

08-23-04

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PATENT
Attorney Docket No. 101.0050-00000
Customer No. 22882
Express Mail Label No. ED149927668US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.:	5055
Gary K. Michelson)		
Serial No.: 08/484,928)	Group Art Unit:	3731
Filed: June 7, 1995)	Examiner: D. Reip	
For: FRUSTO-CONICAL INTERBODY)		
SPINAL FUSION IMPLANT)		

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
AUG 27 2004
TECHNOLOGY CENTER R3700

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1066.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English translations of the non-English documents are enclosed.

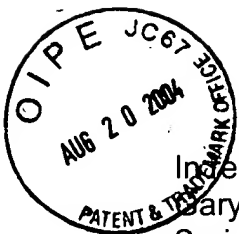
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant

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Inventor Application of:)	Confirmation No.:	5055
Barry K. Michelson)		
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Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ED149927668US

Date of Deposit: August 19, 2004

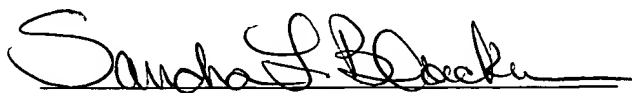
I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(c) (\$180.00 IDS fee to be charged to Deposit Account No. 50-1066)
2. Form PTO-1449
3. 2 documents including English language translations
4. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Date: August 19, 2004


 Sandra L. Blackmon

1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone: (330) 877-0700
 Facsimile: (330) 877-2030

reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

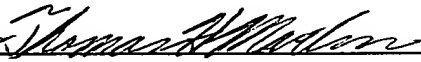
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 19, 2004

By: 
Thomas H. Martin
Registration No. 34,383

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0050-00000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) AUG 20 2004 Sheet <u>1</u> of <u>1</u>		Applicant Gary K. Michelson		Application Number 08/484,928	
		Filing Date June 7, 1995		Group Art Unit 3731	Examiner David Reip
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS
	29 10 627	09-1980	Germany		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
	Tech. Mitt. Krupp, "Nickel-Titanium Spacers For Partial Stiffening Of The Spinal Column—Problems Involved, Manufacture, Pretesting, And Clinichal Use; Vol. 42 (1984), No. 1, pp. 24-38; including translation pages 5-27.				
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.					